



# UNITED STATES PATENT AND TRADEMARK OFFICE

ms

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,540	01/15/2002	Peter B. Ritz	52555.5018	4981

28977 7590 10/18/2006  
MORGAN, LEWIS & BOCKIUS LLP  
1701 MARKET STREET  
PHILADELPHIA, PA 19103-2921

EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/047,540

Applicant(s)

RITZ ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/04, 8/03, 7/02, 5/03, 1/03, 3/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by **Swix et al (6,718,551)**.

As to claim 1, note the **Swix** reference figures 1-5, discloses method and system for providing targeted advertisements and further discloses in a system having a plurality of end users (STB-108) that remotely access a network (NW-106) having at least a hub site (Merge Processor/Profile Processor MP/PP 100/104) and a content provider site (File Server/Broadcast Server FS/BS 102/105), a method of connecting at least one of the end users to a content provider application relating to a broadcast adapted to include a code, comprising:

Receiving, at the hub site (MP/PP-100/104), code information (Messages/Menu Selection) associated with the code that uniquely identifies a broadcast station (col.6, 16-59 and col.7, line 2-col.8, line 3);

Receiving, at the hub site, time date information corresponding to a time and a date of the broadcast; based on the received code information and the received time date information, identifying the application; and connecting the end user with the identified application (col.7, lines 2-18, col.8, lines 4-54, col.11, line 3-col.12, line 60), note that the STB Navigator application generates menus with event data of a viewer selections and periodically uploads these Menus and event data to Merge Processor 100, which identifies the broadcast source and application and connects the STB accordingly to the application and source accordingly.

As to claim 2, Swix further disclose where receiving, at the hub site, end user identification information, wherein identifying the application is further based on the end user identification information (col.6, lines 16-59)

As to claim 3, Swix further disclose where the received code information is inputted manually using a device (RC, Keyboard or Control Panel) connected to the hub site via a global communications network 106 (col.6, lines 39-42).

As to claim 4, Swix further disclose where the received code information is automatically captured on a device connected to the hub site via a global communications network (col.6, line 60-col.7, line 11 and col.8, line 29-45).

As to claims 5-6, Swix further disclose where the broadcast is radio and television broadcast (col. 6, lines 16-59)

As to claims 7-8, Swix further disclose where the code is detectable within the human-audible spectrum of the broadcast and detectable outside the human-audible spectrum (col.6, lines 39-59 and col.7, lines 66-col.8, line 2).

As to claim 9, Swix further disclose tracking one or more of the end users from whom the code information is received (col.6, line 39-col.7, line 18 and line 52-col.8, line 1+)

As to claim 10, Swix further disclose where the application comprises interactive (col.10, line 20-col.11, line 1+)

As to claim 11, Swix further disclose where the interactive content comprises an offer to record the broadcast (col.7, lines 43-col.8, line 13).

As to claims 12-16, Swix further disclose comprises an electronic mail message, promotional materials, wherein the code information is further associated with a broadcast prompt, a human viewable indicator, where the broadcast prompt comprises a human audible indicator (col.6, lines 39-59, col.7, lines 52-col.8, line 2 and col.10, lines 21-col.11, line 1+).

As to claim 17, the claimed "In a system having a plurality of end users that remotely access a network..." is composed of the same structural elements that were discussed in the rejection of claim 1.

Claims 18-19 are met as previously discussed with respect to claims 12-16.

As to claim 20, the claimed "In a system having a plurality of end users that remotely access a network..." is composed of the same structural elements that were discussed in the rejection of claim 1.

As to claims 21-23, the claimed "A system for connecting an end user to a content provider..." is composed of the same structural elements that were discussed in the rejection of claims 1-3.

As to claim 24, the claimed "A system for connecting an end user to a content provider..." is composed of the same structural elements that were discussed in the rejection of claims 1.

As to claim 25, the claimed "A system for connecting an end user to a content provider..." is composed of the same structural elements that were discussed in the rejection of claims 1.

As to claim 26, the claimed "In system having a plurality of end users that remotely access a network having a hub site ..." is composed of the same structural elements that were discussed in the rejection of claims 1.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

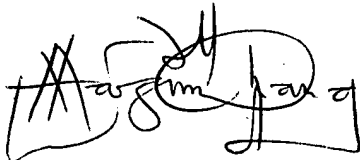
Dougherty et al (7,028,327) disclose using tile electronic program guide to synchronize interactivity with broadcast program.

Pinder et al (5,742,667) disclose information terminal having reconfigurable memory.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', enclosed within a rectangular box.

**Annan Q. Shang**